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Aliante Gaming, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

11 FRANK M. LOPICCOLO)
12 Plaintiff,) Case No. 2:14-cv-01671-LDG-VCF
13 vs.)
14 ALIANTE GAMING, LLC, a Nevada) **MOTION TO EXTEND**
15 Limited Liability Company; ALST) **DISPOSITIVE MOTION**
16 CASINO HOLDCO, LLC, a Delaware) **DEADLINE**
17 Limited Liability Company,) **(FIRST REQUEST)**
18 Defendant.)

19 ALIANTE GAMING, LLC (hereinafter “Defendant” or “Aliante”), by and
20 through its undersigned counsel, Fisher & Phillips LLP, hereby moves to extend the
21 dispositive motion deadline from **December 16, 2015** to **February 19, 2015**. This is
22 the first request for the extension of this deadline since the close of discovery and is
23 made 21 days before the current deadline.

MEMORANDUM OF POINTS AND AUTHORITIES

25 This request is not made for the purpose of delay. The parties' attorney actually
26 discussed and agreed to extend this pending deadline prior to the end of discovery.
27 (See *Affidavit of David B. Dornak* at ¶ 2, attached hereto as Exhibit A). Defendant's
28 counsel, however, has been unable to reach Plaintiff's counsel after forwarding a

1 proposed stipulation and order to extend the dispositive motion deadline. (Ex. A at ¶
 2 3). To ensure that a request for extension is timely requested, Defendant has filed this
 3 Motion. Defendant's counsel believes that Plaintiff's counsel would have no objection
 4 to extending the dispositive motion deadline, but Plaintiff's counsel has apparently
 5 been unable to respond to Plaintiff's counsel's email and voice messages about the
 6 proposed stipulation and order. (Ex. A at ¶¶ 2-3). Nevertheless, the parties have
 7 mutually agreed to all extensions in the matter to date.

8 This is the first request for an extension of this deadline since the close of
 9 discovery. (Ex. A at ¶ 4). An extension is necessary because the parties are still
 10 currently waiting on Plaintiff's deposition transcript. (Ex. A at ¶ 4). Once received, it
 11 is likely that Plaintiff will have near the end of December to review and make any
 12 corrections. (Ex. A at ¶ 4). Additionally, Defendant's counsel will be on vacation
 13 during the Christmas holiday and is not returning to the United States until the second
 14 week in January 2016. (Ex. A at ¶ 4).

15 For good cause shown, and not for delay, Defendant requests that its Motion be
 16 granted.

17 DATED this 25th day of November 2015.

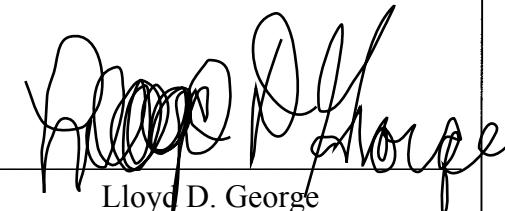
18 FISHER & PHILLIPS LLP

20 */s/ David B. Dornak*
 21 David B. Dornak, Esq.
 Attorney for Defendant

22 ORDER

24 IT IS SO ORDERED.

25 DATED this 1 day of December 2015.

26 
 27 Lloyd D. George
 28 Sr. U.S. District Judge

AFFIDAVIT OF DAVID B. DORNAK

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

David B. Dornak, being first duly sworn, deposes and says:

1. I am an attorney representing the Defendant in this proceeding. I have personal knowledge of, and am competent to testify to, the facts set forth herein. I make this Affidavit in support of Defendant's Motion To Extend Dispositive Motion Deadline.

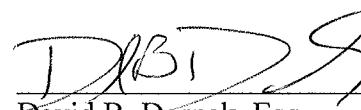
2. Prior to the end of discovery, I talked with Plaintiff's counsel, Michael Balaban, about the need to extend the due date for dispositive motions. Mr. Balaban expressed no objections to such extension, because we have previously worked together in agreeing to other extensions in this matter.

3. After discovery ended, I sent Mr. Balaban a proposed stipulation and order to extend dispositive motion deadline on November 22, 2015. I also left Mr. Balaban a voice message notifying him that I sent the proposed stipulation and order to him. I then attempted to contact Mr. Balaban on November 23, 24 and 25, 2015, but was unable to reach him. I also sent another email asking Mr. Balaban to contact me if he had any objections. To date, I have not been able to reach Mr. Balaban, who appears to be unavailable due to the Thanksgiving holiday.

4. This is the first request for an extension of this deadline since the close of discovery. An extension is necessary because the parties are still currently waiting on Plaintiff's deposition transcript. Once received, it is likely that Plaintiff will have near the end of December to review and make any corrections. Additionally,

1 Defendant's counsel will be on vacation during the Christmas holiday and is not
2 returning to the United States until the second week in January 2016.

3 DATED this 25th day of November 2015.
4

5 
6 David B. Dornak, Esq.
7

8 SUBSCRIBED AND SWORN to before
9 me by David B. Dornak this 25th day
10 of November 2015.
11 
12 NOTARY PUBLIC

